IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 7162 of 2005(C)

PETITIONER:

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1. MUHAMMED ASHRAF, S/O.ABDULLA, S.4.
   ELECTRONICS & COMMUNICATION 4TH SEMESTER,
   I.H.R.D. COLLEGE OF ENGINEERING, KARUNAGAPPALLY,
   KOLLAM DISTRICT.

2. SARITHA.P.S.
   4TH SEMESTER COMPUTER SCIENCE, I.H.R.D. COLLEGE
   OF ENGINEERING, KARUNAGAPPALLY, KOLLAM DIST.

3. SARITHA.S. 4TH SEMESTER COMPUTER SCIENCE
   I.H.R.D. COLLEGE OF ENGINEERING, KARUNAGAPPALLY,
   KOLLAM DISTRICT.

BY ADV. SRI.P.K.MUHAMMED

RESPONDENTS:

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1. THE DIRECTOR,
   INSTITUTED OF HUMAN RESOURCES MANAGEMENT,
   THIRUVANANTHAPURAM.

2. THE PRINCIPAL,
   I.H.R.D. COLLEGE OF ENGINEERING,
   KARUNAGAPPALLY, KOLLAM DISTRICT.

3. STATE OF KERALA, REP. BY THE SECRETARY
   TO GOVERNMENT OF KERALA, HIGHER EDUCATION,
   THIRUVANANTHAPURAM.

R1 AND R2 BY ADV. SRI.N.N.SUGUNAPALAN, SC, BPC
SRI.S.SUJAN

R3 BY G.P. SRI. IV. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE PROSPECTUS PUBLISHED BY THE LAW BAHADUR SHASTRI CENTER FOR SCIENCE AND TECHNOLOGY.

EXT.P2 TRUE COPY OF THE GOVERNMENT ORDER IN G.O. (MS) NO. 194/03 h & FWD dated 12.9.03

EXT.P3 TRUE COPY OF THE RECEIPT ISSUED TO THE FIRST PETITIONER BY THE 2ND RESPONDENT.

EXT.P4 TRUE COPY OF THE RECEIPT ISSUED TO THE 2ND PETITIONER BY THE SECOND RESPONDENT.

EXT.P5 TRUE COPY OF THE RECEIPT ISSUED TO THE 3RD PETITIONER BY THE 2ND RESPONDENT.

EXT.P6 TRUE COPY OF THE REPRESENTATION DATED 20.12.2004 FILED BEFORE 1ST RESPONDENT WITH A COPY TO SECOND RESPONDENT.

RESPONDENTS' EXHIBITS:NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 7162 OF 2005

Dated this the 8th day of January, 2007

JUDGMENT

Petitioners have approached this Court for direction to the respondents to refund alleged excess fees collected in the third semester Engineering Course. Petitioners are admittedly diploma holders who secured admission to third semester Engineering Course directly under the lateral entry scheme. According to the petitioners, petitioners are liable to pay fees payable by those regular students, who came on merit quota to the second respondent college. Counsel appearing for the second respondent contended that petitioners cannot be compared with students coming on merit quota and petitioners have to be equated with other students admitted in the second respondent college which though under Govt. control is a self-financing college. Fees collected from the petitioners is stated to be the same fees as paid by the students who joined the self-financing college other than on merit quota. I do not think petitioners can be compared with students who joined regular Engineering Course on merit quota because

petitioners could have availed similar facility by seeking admission in aided Engineering College on their own merit. Therefore petitioners admission should be treated as admission in the self-financing college and the same fees is payable by the petitioners like other students who secured admission in the second respondent college.

In the circumstances, W.P. fails and is dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge